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11 DANIEL GARZA, JOSHUA RUIZ,
12 ELISABETH CROUCHLEY, STEVEN PASSAL,
13 RUSSELL VREELAND, ANTHONY PIRES,
14 JOHN RUFFNER, and JENNIFER LORET DE MOLA

15 UNITED STATES DISTRICT COURT
16 EASTERN DISTRICT OF CALIFORNIA
17 SACRAMENTO DIVISION

18 DANIEL GARZA, JOSHUA RUIZ, ELISABETH
19 CROUCHLEY, STEVEN PASSAL, RUSSELL
20 VREELAND, ANTHONY PIRES, JOHN
21 RUFFNER, and JENNIFER LORET DE MOLA,
22 on behalf of themselves and a class of similarly
23 situated persons,

24 Plaintiffs,
25 vs.
26 CITY OF SACRAMENTO, SACRAMENTO
27 POLICE DEPARTMENT, DANIEL HAHN,
28 and DOE 1 to 225,
29 Defendants.

Case No. 2:20-cv-01229-WBS-EFB

**FIRST AMENDED CLASS ACTION
COMPLAINT FOR VIOLATION OF
CIVIL AND CONSTITUTIONAL RIGHTS
DEMAND FOR JURY TRIAL**

30 This class action is brought by DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY,
31 STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER
32 LORET DE MOLA, on behalf of themselves and a class of similarly situated persons, for damages,
33 declaratory relief, and injunctive relief enjoining and declaring unconstitutional the deprivations of the
34 federal and state constitutional rights caused by the CITY OF SACRAMENTO and SACRAMENTO
35 POLICE DEPARTMENT, and their officials and personnel, who subjected Plaintiffs and the class to a

1 policy or custom of unreasonable and excessive use of force by firing impact weapons to strike and injure
2 non-violent demonstrators exercising their constitutional rights to freedom of speech.

3 **JURISDICTION & VENUE**

4 1. This Court has jurisdiction over the claims asserted herein pursuant to 28 U.S.C. § 1331
5 (in that they arise under the United States Constitution), and 28 U.S.C. § 1343(a)(3) (in that the action is
6 brought to address deprivations, under color of state authority, of rights, privileges, and immunities
7 secured by the United States Constitution). This Court has supplemental jurisdiction of the state law
8 claims pursuant to 28 U.S.C. § 1367.

9 2. Venue is proper in the United State District Court for the Eastern District of California
10 pursuant to 28 U.S.C. § 1391(b) because Defendants are located in the Eastern District of California and
11 because the acts and/or omissions described herein occurred in the Eastern District of California.

12 3. Intradistrict venue is proper in the Sacramento Division of the Eastern District of
13 California pursuant to E.D. Cal. L.R. 120(d) because the claims asserted herein arise from acts and/or
14 omissions which occurred in the County of Sacramento, California.

15 **EXHAUSTION**

16 4. On June 15, 2020, DANIEL GARZA submitted a government claim to the CITY OF
17 SACRAMENTO and SACRAMENTO POLICE DEPARTMENT concerning his individual claims
18 asserted in this action. On July 30, 2020, the government claim was rejected as a matter of law. *See* Cal.
19 Gov. Code § 912.4(c).

20 5. On June 23, 2020, JOSHUA RUIZ submitted a government claim to the CITY OF
21 SACRAMENTO and SACRAMENTO POLICE DEPARTMENT concerning his individual claims
22 asserted in this action. On August 7, 2020, the government claim was rejected as a matter of law. *See*
23 Cal. Gov. Code § 912.4(c).

24 6. On June 23, 2020, ELISABETH CROUCHLEY submitted a government claim to the
25 CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT concerning her individual
26 claims asserted in this action. On August 7, 2020, the government claim was rejected as a matter of law.
27 *See* Cal. Gov. Code § 912.4(c).

28 7. On June 25, 2020, DANIEL GARZA, JOSHUA RUIZ, and ELISABETH CROUCHLEY

1 submitted a class government claim to the CITY OF SACRAMENTO and SACRAMENTO POLICE
2 DEPARTMENT concerning the class claims asserted in this action. On August 10, 2020, the class
3 government claim was rejected as a matter of law. *See* Cal. Gov. Code § 912.4(c).

4 **PARTIES**

5 8. Plaintiff DANIEL GARZA is a resident of the County of Sacramento, California.

6 9. Plaintiff JOSHUA RUIZ is a resident of the County of Sacramento, California.

7 10. Plaintiff ELISABETH CROUCHLEY is a resident of the County of Sacramento,
8 California.

9 11. Plaintiff STEVEN PASSAL is a resident of the County of Sacramento, California.

10 12. Plaintiff RUSSELL VREELAND is a resident of the County of Sacramento, California.

11 13. Plaintiff ANTHONY PIRES is a resident of the County of Sacramento, California.

12 14. Plaintiff JOHN RUFFNER is a resident of the County of Sacramento, California.

13 15. Plaintiff JENNIFER LORET DE MOLA is a resident of the County of Sacramento,
14 California.

15 16. Defendant CITY OF SACRAMENTO is a “public entity” within the definition of Cal.
16 Gov. Code § 811.2.

17 17. Defendant SACRAMENTO POLICE DEPARTMENT is a “public entity” within the
18 definition of Cal. Gov. Code § 811.2.

19 18. Defendant DANIEL HAHN is, and at all times material herein was, a law enforcement
20 officer and Police Chief for Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE
21 DEPARTMENT, acting within the scope of that employment. Defendant DANIEL HAHN is sued in his
22 individual capacity.

23 19. Defendants DOE 1 to 225 are and/or were agents or employees of Defendants CITY OF
24 SACRAMENTO and/or SACRAMENTO POLICE DEPARTMENT and acted within the scope of that
25 agency or employment and under color of state law. Defendants DOE 1 to 225’s true and correct names
26 are not now known and they are identified by their fictitious names. Defendants DOE 1 to 225’s fictitious
27 names will be substituted for their true and correct names when ascertained.

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GENERAL ALLEGATIONS

20. At all times relevant herein, all wrongful acts described were performed under color of state law and/or in concert with or on behalf of those acting under the color of state law.

21. On May 26, 2020, George Floyd, a black man, was murdered by Minneapolis police officer Derek Chauvin, a white man. Chauvin knelt on Floyd's neck for almost nine minutes, as Floyd gasped for air, begged for mercy, and told the officer he could not breathe. Three other Minneapolis police officers looked on, without intervention or protest, as Chauvin slowly killed Floyd. Floyd's killing was captured on camera and went "viral."

22. George Floyd's murder is consistent with a longstanding, ongoing pattern of cases where minorities—and, most-often, black men—are subject to disproportionate force and sometimes killed by law enforcement without justification. For example, and in addition to George Floyd, some other highly publicized and recent killings by law enforcement include Tamir Rice, Michael Brown, Eric Garner, Philando Castile, Joseph Mann, Stephon Clark, and Breonna Taylor.

23. Nationwide outcry, protest, and demonstration immediately resulted from George Floyd's killing, with many around the country disgusted by and fed-up with law enforcement's all-too-frequent resort to deadly force without accountability. Thousands took to the streets to express their constitutional rights to freedom of speech and petition against government officials who either participated in police violence or idly stood-by while fellow officers engaged in such misconduct.

24. Many protests have occurred, and are continuing to occur, in Sacramento, California.

25. Demonstrating the very same propensity for the use of unjustified violence that gave rise to these recent nationwide demonstrations, Defendant SACRAMENTO POLICE DEPARTMENT's officers took to the streets in droves, armed for war against their own citizenry, and employed severe and unjustified excessive force against peaceful, non-violent demonstrators.

Daniel Garza

26. Plaintiff DANIEL GARZA is a National Lawyers Guild (“NLG”) Legal Observer who has observed demonstrations across the United States since 2012. Plaintiff DANIEL GARZA is the “Know Your Rights” and NLG Legal Observer trainer for the Sacramento Chapter of the NLG. Plaintiff DANIEL GARZA served 6-years in the United States Navy with two deployments to OIF/OEF aboard

1 the U.S.S. Nimitz (CVN-68).

2 27. Plaintiff DANIEL GARZA was acting in his capacity as an NLG Legal Observer to
3 observe demonstrations occurring in the downtown-area of Sacramento, at all relevant times.

4 28. Plaintiff DANIEL GARZA was wearing a neon-green hat prominently displaying the
5 words “National Lawyers Guild Legal Observer.” NLG Legal Observers, and their neon-green hats, are
6 internationally recognized as observer non-participants and are extended the same rights and access as
7 are members of the press.

8 29. Defendant SACRAMENTO POLICE DEPARTMENT and its officers have long-known
9 of the role and presence of NLG Legal Observers at protest demonstrations—including, for example, the
10 demonstrations held at Defendant SACRAMENTO POLICE DEPARTMENT’s headquarters located at
11 5303 Franklin Blvd., Sacramento, CA 95820, on May 29, 2020.

12 30. On or about May 30, 2020, Plaintiff DANIEL GARZA was conducting legal observation
13 near the Sacramento County Main Jail.

14 31. Plaintiff DANIEL GARZA observed Sacramento County Sheriff’s Department officers
15 use flash-bang grenades and tear gas and fire irritant chemicals at protesters.

16 32. Plaintiff DANIEL GARZA followed the protesters as they moved from I and 7th Streets
17 to K Street.

18 33. Plaintiff DANIEL GARZA followed the demonstration down J Street from 7th Street until
19 it reached 19th Street. Plaintiff DANIEL GARZA began to film the interaction between the protestors
20 and police with a camera and an iPhone held in both hands, simultaneously live-streaming the recordings
21 to Facebook.

22 34. Plaintiff DANIEL GARZA observed a police line form and advance towards the
23 protestors.

24 35. Plaintiff DANIEL GARZA was off to the side of the demonstration, in a parking lot west
25 of 2020 J Street (SNAHC Building), as the police line marched past.

26 36. Plaintiff DANIEL GARZA was behind the police line, after it moved forward towards the
27 demonstration.

28 37. Defendant DOE 1, an officer, told Plaintiff DANIEL GARZA to move in front of the

1 police line.

2 38. Plaintiff DANIEL GARZA refused Defendant DOE 1's requests, recognizing that the
3 officers were preparing to fire on the protesters near the police line. Plaintiff DANIEL GARZA did not
4 want to be exposed to line-of-fire of officers' projectile or chemical weapons.

5 39. Plaintiff DANIEL GARZA told Defendant DOE 1, "We are not part of them" (the
6 demonstration) and "We are not interfering."

7 40. Defendants DOE 1 to 25, the line of officers, forced Plaintiff DANIEL GARZA to move
8 in front of the police line and into the line-of-fire, through physical intimidation, brandishing of weapons,
9 display of force, and an overwhelming police presence.

10 41. Defendants DOE 1 to 25 deployed flash-bang grenades and tear gas while pushing the
11 police lines forward.

12 42. Plaintiff DANIEL GARZA advanced down J Street with the protesters.

13 43. Plaintiff DANIEL GARZA donned a military-style gas mask which permitted him to
14 observe the demonstration without the gas affecting him. Plaintiff DANIEL GARZA continued to wear
15 his high-visibility neon-green hat identifying him as a non-participant NLG Legal Observer.

16 44. The police line, including Defendants DOE 1 to 25, advanced to J and 21st Streets, where
17 a standoff between protestors and police remained for some time.

18 45. Plaintiff DANIEL GARZA spent the majority of his time standing on the sidewalk in
19 front of 2100 J Street (First United Methodist Church).

20 46. Defendants DOE 1 to 25 fired their weapons directly at the protesters and several
21 protestors fell to the ground as they were shot.

22 47. Plaintiff DANIEL GARZA left the sidewalk to assist injured persons who had been shot
23 and were unable to move without assistance.

24 48. Plaintiff DANIEL GARZA assisted at least one person who had been shot in the face with
25 projectiles, causing incapacitation and severe bleeding.

26 49. Plaintiff DANIEL GARZA was not fired-upon by Defendants DOE 1 to 25 when he
27 assisted injured persons from the street to the sidewalk, leading him to believe that the officers
28 recognized that he was not a threat.

1 50. Plaintiff DANIEL GARZA continued filming the line of officers on his camera and live-
2 streaming on Facebook with his iPhone, with a camera in each hand.

3 51. Plaintiff DANIEL GARZA was on the sidewalk about 30 feet from the police line.

4 52. Plaintiff DANIEL GARZA observed that someone from behind and to the right of his
5 location threw an object towards the police line. The object was thrown high above the police line and
6 the landed far behind the police line, without striking any officer.

7 53. Defendant DOE 2 lifted his rifle, in reaction to the object being thrown and landing
8 behind the police line.

9 54. Defendant DOE 2 aimed his firearm at Plaintiff DANIEL GARZA and fired.

10 55. Plaintiff DANIEL GARZA was struck on the left side of his forehead with a projectile.

11 56. Plaintiff DANIEL GARZA fell to the ground, crying-out in pain. A recording can be
12 found at the following location:

13 <<https://www.facebook.com/danny.garza.167/videos/10222535335080905/>>.

14 57. Plaintiff DANIEL GARZA felt severe pain and blood trickling from his face.

15 58. Plaintiff DANIEL GARZA had been concussed by the projectile that had struck his head.

16 59. Plaintiff DANIEL GARZA stood up, walked to the police line, and confronted the officer
17 who he believed had shot him.

18 60. Plaintiff DANIEL GARZA repeatedly asked for the officer to identify his badge number.

19 61. An officer responded “#1011.” Plaintiff DANIEL GARZA does not know if the officer
20 who provided the badge number is Defendant DOE 2, the officer responsible for shooting him in the
21 face.

22 62. Plaintiff DANIEL GARZA walked towards J and 22nd Streets, where his partner
23 observed his injuries and determined he needed to go to the hospital.

24 63. Plaintiff DANIEL GARZA’s speech and thinking became noticeably impaired.

25 64. Plaintiff DANIEL GARZA was left in the care of a nursing student known as “Raven”
26 and a tall man who identified himself as a physician, as his partner left to retrieve a vehicle.

27 65. Raven and the physician assisted Plaintiff DANIEL GARZA in retreating further into a
28 parking lot to the east of 2100 J Street.

1 66. Raven and the physician sat Plaintiff DANIEL GARZA on the lower rungs of stairs that
2 attached to the building. They cleaned Plaintiff DANIEL GARZA's head wound.

3 67. Defendants DOE 1 to 25 advanced east on J Street, perpendicular to Plaintiff DANIEL
4 GARZA's location.

5 68. Raven and the physician attempted to apply a bandage to Plaintiff DANIEL GARZA's
6 head.

7 69. Defendants DOE 1 to 25 again fired their weapons at Plaintiff DANIEL GARZA, Raven,
8 and the physician, while they were treating Plaintiff DANIEL GARZA's injuries.

9 70. Plaintiff DANIEL GARZA, Raven, and the physician were each hit with pepper-balls.

10 71. Plaintiff DANIEL GARZA, Raven, and the physician were cornered behind the stairs of
11 the building without any ability to escape Defendants DOE 1 to 25's continuous assault.

12 72. Plaintiff DANIEL GARZA, Raven, and the physician repeatedly yelled "Medic! Medic!
13 Don't shoot!"

14 73. Raven was temporarily blinded by the pepper-balls fired and she sustained at least two
15 impact marks on her right bicep from pepper-ball impacts.

16 74. Defendants DOE 1 to 25 deployed flash-bang grenades.

17 75. Plaintiff DANIEL GARZA and the medics attempted to retreat from their cover behind
18 the stairs but, again, were immediately fired-upon by Defendants DOE 1 to 25.

19 76. Plaintiff DANIEL GARZA, Raven, and the physician were eventually able to walk to the
20 front of 2200 K Street (Temple Coffee), from where Plaintiff DANIEL GARZA was transported to the
21 Sacramento Veterans Affairs Hospital by a woman named Claire.

22 77. Plaintiff DANIEL GARZA continues to experience pain, swelling, and severe
23 discoloration to the left side of his face where he was shot, including his left eye swelling shut.

24 78. Plaintiff DANIEL GARZA has experienced significant difficulties with his short-term
25 memory, focus, speech, comprehension, and cognition and exhibits symptoms consistent with a traumatic
26 brain injury.

27 **Joshua Ruiz**

28 79. On or about May 31, 2020, Plaintiff JOSHUA RUIZ was attending a demonstration

1 occurring in downtown Sacramento near Capitol Avenue and L Street.

2 80. Defendant SACRAMENTO POLICE DEPARTMENT's officers, including Defendants
3 DOE 26 to 50, began indiscriminately to fire their weapons into the crowd of protestors, without
4 justification.

5 81. Defendants DOE 26 to 50 fired projectiles directly at the demonstrators, severely injuring
6 many.

7 82. Plaintiff JOSHUA RUIZ was struck several times with projectiles, all over his body.

8 83. Plaintiff JOSHUA RUIZ fell to the ground after initially being struck by projectiles.

9 84. Defendants DOE 26 to 50 continued to fire-on and to strike Plaintiff JOSHUA RUIZ with
10 projectiles, even as he lay on the ground, defenseless and injured.

11 85. Plaintiff JOSHUA RUIZ is unable to identify the officers who shot him due to Defendants
12 DOE 26 to 50's uniforms and equipment which obscured their identity. On information and belief,
13 Defendants DOE 26 to 50's indistinguishable uniforms and equipment were employed, at least in part,
14 for the purpose of hiding officers' identities and avoiding accountability.

15 86. Plaintiff JOSHUA RUIZ was admitted to the hospital for numerous and severe injuries
16 caused by his multiple injuries caused by the projectiles fire at him.

17 87. Plaintiff JOSHUA RUIZ sustained numerous cuts, bumps, and bruises from the
18 projectiles. Plaintiff JOSHUA RUIZ's liver was found to have been lacerated due to the force with which
19 a projectile struck him.

20 88. Plaintiff JOSHUA RUIZ was hospitalized for multiple days due to his injuries. Plaintiff
21 JOSHUA RUIZ continues to experience pain and discomfort resulting from his injuries.

22 89. Plaintiff JOSHUA RUIZ wishes to attend further demonstrations, when he is healthy
23 enough to do so. Plaintiff JOSHUA RUIZ is hesitant, however, based on the experience and excessive
24 force to which he was subjected.

25 **Elisabeth Crouchley**

26 90. On or about the early hours of May 31, 2020, Plaintiff ELISABETH CROUCHLEY was
27 attending a demonstration occurring in downtown Sacramento near 20th and J Streets.

28 91. Plaintiff ELISABETH CROUCHLEY was peacefully demonstrating about 25 feet from a

1 police line of Defendant SACRAMENTO POLICE DEPARTMENT's officers, including Defendants
2 DOE 51 to 75.

3 92. Defendants DOE 51 to 75 began indiscriminately to fire their weapons into the crowd of
4 protestors.

5 93. Plaintiff ELISABETH CROUCHLEY observed that several protestors were directly
6 struck with projectiles fired by the officers.

7 94. Plaintiff ELISABETH CROUCHLEY turned to run away from Defendants DOE 51 to
8 75's line-of-fire.

9 95. As Plaintiff ELISABETH CROUCHLEY was running away from the officers, she was
10 struck with an impact weapon on her right buttock and with a bean-bag to the back of her neck.

11 96. Plaintiff ELISABETH CROUCHLEY was yelling, "Don't shoot! Don't shoot!," as she
12 ran away with both of her hands raised above her head.

13 97. Defendants DOE 51 to 75 shot Plaintiff ELISABETH CROUCHLEY with an additional
14 four impact weapons, striking her on the back of the head, back, hip, and foot.

15 98. Plaintiff ELISABETH CROUCHLEY was admitted to the emergency room at Sutter
16 General Hospital.

17 99. Plaintiff ELISABETH CROUCHLEY required immediate medical treatment for her
18 injuries, including two staples to the back of her head to close the laceration where she had been struck
19 with an impact weapon.

20 100. The attending nurse filed a police report on Plaintiff ELISABETH CROUCHLEY's
21 behalf.

22 101. Plaintiff ELISABETH CROUCHLEY sustained severe bruising from the impact injuries
23 she sustained.

24 102. Plaintiff ELISABETH CROUCHLEY continues to experience pain and discomfort
25 resulting from her injuries.

26 **Steven Passal**

27 103. On or about the early hours of May 31, 2020, Plaintiff SEVEN PASSAL was present near
28 a demonstration occurring in downtown Sacramento near 21st and J Streets.

1 104. Plaintiff SEVEN PASSAL heard commotion as Defendant SACRAMENTO POLICE
2 DEPARTMENT's officers, including Defendants DOE 76 to 100, forcibly moved demonstrators.

3 105. Plaintiff SEVEN PASSAL observed a standoff between the demonstrators and Defendants
4 DOE 76 to 100 from a sidewalk.

5 106. Plaintiff SEVEN PASSAL had no involvement in demonstration and was merely
6 observing the demonstration as a non-participant.

7 107. Plaintiff SEVEN PASSAL observed and heard a flashbang grenade explode near his head.

8 108. Plaintiff SEVEN PASSAL was struck from behind three times by impact weapons fired
9 by Defendants DOE 76 to 100.

10 109. Plaintiff SEVEN PASSAL was struck on the tailbone, on the back of his arm, and on the
11 back of his head.

12 110. Plaintiff SEVEN PASSAL could not afford to go to the hospital.

13 111. Plaintiff SEVEN PASSAL experienced headaches, back issues, and nightly trouble
14 sleeping since he sustained the injuries.

15 112. Plaintiff SEVEN PASSAL continues to experience pain and discomfort resulting from his
16 injuries.

17 **Russell Vreeland**

18 113. On or about the early hours of May 31, 2020, Plaintiff RUSSELL VREELAND was
19 present at a demonstration occurring in downtown Sacramento near 21st and J Streets.

20 114. Plaintiff RUSSELL VREELAND was struck by an impact weapon fired by Defendant
21 SACRAMENTO POLICE DEPARTMENT's officers, including Defendants DOE 101 to 125.

22 115. Plaintiff RUSSELL VREELAND was struck in the abdomen.

23 116. Plaintiff RUSSELL VREELAND sustained bruising, pain, and a hematoma lasting several
24 weeks.

25 117. Plaintiff RUSSELL VREELAND continues to experience pain and discomfort resulting
26 from his injuries, including anxiety, depression, and insomnia related to the event.

27 **Anthony Pires**

28 118. On or about the early hours of May 31, 2020, Plaintiff ANTHONY PIRES was observing

1 a demonstration occurring in downtown Sacramento near the Sacramento Convention Center on J Street
2 and 13th Streets.

3 119. Defendant SACRAMENTO POLICE DEPARTMENT's officers, including Defendants
4 DOE 126 to 150, were lined up and blocking J Street with a barrier.

5 120. Plaintiff ANTHONY PIRES walked down the street and stood approximately 30 to 40
6 feet away from the officers.

7 121. Plaintiff ANTHONY PIRES was observing the demonstration and capturing video
8 recordings with his cell phone.

9 122. Plaintiff ANTHONY PIRES stood off to the side of the demonstration, separate from
10 demonstrators.

11 123. Defendants DOE 126 to 150 ordered persons to move away.

12 124. Plaintiff ANTHONY PIRES complied with the officers' commands to move.

13 125. Defendants DOE 126 to 150 began to move forward, towards the demonstrators.

14 126. Demonstrators began to disperse, moving away from the advancing officers.

15 127. Defendants DOE 126 to 150 started firing into the crowd of demonstrators.

16 128. Plaintiff ANTHONY PIRES put his hands up and walked towards the sidewalk.

17 129. Plaintiff ANTHONY PIRES observed Defendants DOE 126 to 150 shooting various
18 persons with impact weapons.

19 130. Plaintiff ANTHONY PIRES attempted to record persons being shot by Defendants DOE
20 126 to 150.

21 131. Defendant DOE 126 shot Plaintiff ANTHONY PIRES with an impact weapon, without
22 provocation.

23 132. Plaintiff ANTHONY PIRES was struck by impact weapons on his chest and on the back
24 of his leg.

25 133. Plaintiff ANTHONY PIRES's chest injury felt as though someone had hit him with a
26 baseball bat.

27 134. Plaintiff ANTHONY PIRES sustained bruising, pain, and soreness associated with his
28 injuries.

135. Plaintiff ANTHONY PIRES continues to experience pain and discomfort resulting from his injuries, including anxiety among crowds.

John Ruffner

136. On or about the later hours of May 30, 2020, or the early hours of May 31, 2020, Plaintiff JOHN RUFFNER was on J Street near 15th Street in downtown Sacramento.

137. Plaintiff JOHN RUFFNER was demonstrating, holding his hands up while standing near Defendant SACRAMENTO POLICE DEPARTMENT's officers, including Defendants DOE 151 to 175.

138. Plaintiff JOHN RUFFNER observed a demonstrator on the ground being shot by several officers with impact weapons.

139. Plaintiff JOHN RUFFNER approached the injured demonstrator, with his hands held in the air.

140. Plaintiff JOHN RUFFNER motioned to Defendants DOE 151 to 175 that he was going to help move the injured demonstrator from the ground and out of harm's way.

141. Defendants DOE 151 to 175 opened fire on Plaintiff JOHN RUFFNER, without warning,

142. Plaintiff JOHN RUFFNER was struck by several impact weapons fired by Defendants
DOE 151 to 175.

143. Plaintiff JOHN RUFFNER was knocked to the ground by the force of the impact weapons that struck him.

144. Plaintiff JOHN RUFFNER was struck on the back by an impact weapon, as he was lying facedown on the ground

145. Plaintiff JOHN RUFFNER was dragged away by other demonstrators, as Defendants
DOE 151 to 175 continued to fire impact weapons at Plaintiff JOHN RUFFNER and others
demonstrators.

146. Plaintiff JOHN RUFFNER attempted to stand on his own multiple times but was unable to do so because he was experiencing severe cramps.

147. Plaintiff JOHN RUFFNER was eventually able to regain his ability to walk.

148. Plaintiff JOHN RUFFNER witnesses numerous persons shot by officers with impact weapons, without cause.

1 149. Plaintiff JOHN RUFFNER believed that the officers were going to kill demonstrators.

2 150. Plaintiff JOHN RUFFNER eventually went to the hospital with other demonstrators
3 injured by impact weapons.

4 151. Plaintiff JOHN RUFFNER sustained bruising, pain, and soreness associated with his
5 injuries.

6 152. Plaintiff JOHN RUFFNER continues to experience pain and discomfort resulting from his
7 injuries.

8 **Jennifer Loret de Mola**

9 153. On or about the later hours of May 30, 2020, or the early hours of May 31, 2020, Plaintiff
10 JENNIFER LORET DE MOLA was on J Street near 15th Street in downtown Sacramento.

11 154. Plaintiff JENNIFER LORET DE MOLA was a participant in a demonstration.

12 155. Plaintiff JENNIFER LORET DE MOLA held her hands up as she faced Defendant
13 SACRAMENTO POLICE DEPARTMENT's officers, including Defendants DOE 176 to 200.

14 156. Plaintiff JENNIFER LORET DE MOLA's mask accidentally slipped down, off her face,
15 without her noticing.

16 157. Defendant DOE 176 shouted at Plaintiff JENNIFER LORET DE MOLA: "Put on your
17 mask!"

18 158. Plaintiff JENNIFER LORET DE MOLA immediately complied, reset her mask, and said:
19 "I'm sorry."

20 159. Defendant DOE 176 shot Plaintiff JENNIFER LORET DE MOLA with an impact
21 weapon, in the ribs, from approximately six feet away.

22 160. Plaintiff JENNIFER LORET DE MOLA was winded by the shot and fell to the sidewalk.

23 161. Plaintiff JENNIFER LORET DE MOLA had difficulty standing, straightening, and
24 walking.

25 162. Defendants DOE 176 to 200 began indiscriminately to shoot at demonstrators.

26 163. Plaintiff JENNIFER LORET DE MOLA sustained bruising, pain, and soreness associated
27 with her injuries.

28 164. Plaintiff JENNIFER LORET DE MOLA continues to experience pain and discomfort

1 resulting from her injuries.

2 **POLICY AND CUSTOM ALLEGATIONS**

3 165. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT's
4 Chief of Police, Defendant DANIEL HAHN, is a final policy-making authority under state law and
5 Defendant SACRAMENTO POLICE DEPARTMENT's General Orders. *See* Cal. Gov. Code §
6 38630(a); <<https://www.cityofsacramento.org/Police/Transparency/General-Orders>>. Defendant
7 DANIEL HAHN has served as Chief of Police since August 2017.

8 166. Defendants DOE 201 to 225 possess policy-making authority, based on the delegation of
9 authority from Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
10 and/or DANIEL HAHN.

11 **POLICIES**

12 167. Defendant SACRAMENTO POLICE DEPARTMENT maintains General Order 532.11
13 "Crowd & Riot Control Manual," available at: <<https://www.cityofsacramento.org/-/media/Corporate/Files/Police/Transparency/RMs/RM-53211-Crowd-and-Riot-as-of-1298.pdf?la=en>>.
14 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,
15 and DOE 201 to 225's policies, including General Order 532.11, chapter 2, section (A)(3)(e), authorizes
16 officers to use force against non-threatening demonstrations: "If a display of officers accompanied by a
17 dispersal order does not result in voluntary dispersal, more forceful action may be employed."

19 168. Defendant SACRAMENTO POLICE DEPARTMENT maintains General Order 580.02
20 "Use of Force," available at: <<https://www.cityofsacramento.org/-/media/Corporate/Files/Police/Transparency/GO/Section-500/GO-58002-Use-of-Force-6820.pdf?la=en>>.
21 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,
22 and DOE 201 to 225's policies, including General Order 580.02(A)(8)(c), defines projectile weapons
23 fired by officers at persons to be "Less Lethal Force." In reality, projectile weapons have the ability to
24 severely injure, permanently disable, and kill targets. *See* "Death, injury and disability from kinetic
25 impact projectiles in crowd-control settings: a systematic review," available at:
26 <<https://bmjopen.bmj.com/content/7/12/e018154>>.

28 169. Defendant SACRAMENTO POLICE DEPARTMENT maintains General Order 580.12

1 “Less Lethal Weapons,” according to General Order 580.02(E)(3)(f). Defendant SACRAMENTO
2 POLICE DEPARTMENT does not make its General Order 580.12 “Less Lethal Weapons” publicly
3 available. *See <<https://www.cityofsacramento.org/Police/Transparency/General-Orders>>*

4 **CUSTOMS**

5 170. Use of Unconstitutional Tactics in Response to Demonstration/Protest: Defendants CITY
6 OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 201 to
7 225 maintain an unofficial custom whereby their officers are permitted to employ unconstitutional tactics
8 against persons in or around the area of a demonstration/protest—particularly as it relates to
9 demonstrations/protests concerning the subject of police violence. This custom proximately caused
10 Defendants DOE 1 to 200’s unconstitutional actions against Plaintiffs DANIEL GARZA, JOSHUA
11 RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES,
12 JOHN RUFFNER, and JENNIFER LORET DE MOLA, and the class of similarly situated persons they
13 seek to represent. In addition to the incidents giving rise to this action, evidence of the existence of this
14 custom is reflected by the circumstances in *Coburn v. City of Sacramento*, E.D. Cal. Case No. 2:19-cv-
15 00888-TLN-AC. In the *Coburn* case, a demonstration protesting the Sacramento County District
16 Attorney’s Office’s refusal to prosecute the police officers responsible for shooting and killing an
17 unarmed black man, Stephon Clark, in his grandmother’s backyard, occurred on March 4, 2019.
18 Hundreds of law enforcement officers, including Defendant SACRAMENTO POLICE
19 DEPARTMENT’s officers, corralled, “kettled,” and trapped 84 persons (including participants and non-
20 participants, such as legal observers and press members) on a highway overpass, impeding the
21 demonstrations’ movement and preventing and persons from leaving the scene. The officers then
22 declared an unlawful assembly and used force unconstitutionally to detain, arrest, and book all trapped
23 persons. The law enforcement agencies, including Defendants CITY OF SACRAMENTO and
24 SACRAMENTO POLICE DEPARTMENT, agreed to settle the claims that resulted from a civil rights
25 lawsuit pursuant to a stipulated class action settlement agreement. Defendants CITY OF
26 SACRAMENTO and SACRAMENTO POLICE DEPARTMENT agreed to pay at least \$414,000.00 to
27 settle the action.

28 171. Use of Unreasonable and Excessive Force/Failure to Train, Supervise, or Discipline:

1 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,
2 and DOE 201 to 225 maintain an unofficial custom whereby their officers are permitted to use
3 unreasonable and excessive force against persons with whom they come into contact, without meaningful
4 consequence, discipline, or corrective action. Defendants CITY OF SACRAMENTO, SACRAMENTO
5 POLICE DEPARTMENT, DANIEL HAHN, and DOE 201 to 225's failure to investigate and to
6 discipline officers in the face of widespread constitutional violations has resulted in use of force with
7 impunity. This custom proximately caused Defendants DOE 1 to 200's use of force against Plaintiffs
8 DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL
9 VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA, and the class
10 of similarly situated persons they seek to represent. In addition to the incidents giving rise to this action,
11 evidence of the existence of this custom is reflected by:

12 a. The California Department of Justice's "Report & Recommendations" issued on
13 January 29, 2019. *See <<https://oag.ca.gov/system/files/attachments/press-docs/spd-report.pdf>>*. Therein,
14 numerous and "significant deficiencies" are identified and recommendations provided in reference to
15 Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT's use of force
16 policies and training. For example, Defendant SACRAMENTO POLICE DEPARTMENT's use of force
17 policies "should affirm the importance of proportionality"; "should prohibit certain problematic uses of
18 force"; and should "[r]equir[e] officers to intervene during a use of force incident when the force used is
19 outside of departmental policy." Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE
20 DEPARTMENT's use of force training "should place greater emphasis on teaching officers to have a
21 'guardian' mindset"; and "should ensure its use of force training emphasizes critical-decision making
22 skills and require such training annually for all staff, regardless of rank."

23 b. Numerous incidents involving allegations of unreasonable and excessive uses of
24 force by Defendant SACRAMENTO POLICE DEPARTMENT's officers which were substantiated by
25 significant settlements, for example:

26 i. *Clark v. City of Sacramento*, E.D. Cal. Case No. 2:19-cv-00171-JAM-EFB
27 (Alleging that two police officers shot an unarmed man, Stephon Clark, to death on March 18, 2018,
28 while he hid in his grandmother's backyard. The resulting lawsuit was partially settled for \$2,400,000).

ii. *Cain v. City of Sacramento*, E.D. Cal. Case No. 2:17-cv-00848-JAM-DB (Alleging that a police officer grabbed, tackled, and punched a man for jaywalking on April 10, 2017, without realizing the beating was recorded. The resulting lawsuit was settled for \$550,000. <https://www.sacbee.com/news/local/article228710949.html>).

iii. *Hernandez v. City of Sacramento*, E.D. Cal. Case No. 2:17-cv-02311-JAM-DB (Alleging that three police officers chased an unarmed man who had been loitering in front of a convenience store into a hospital where he was then tased, beaten, and pinned to ground until he asphyxiated to the point of coma on March 6, 2017. The resulting lawsuit was settled for \$5,200,000. <<https://www.sacbee.com/news/local/article231173283.html>>).

iv. *Mann v. City of Sacramento*, E.D. Cal. Case No. 2:16-cv-01847-WBS-DB (Alleging that a mentally-ill man was falsely reported to have a gun when two police officers unsuccessfully attempted to run-over the man with their patrol vehicle and, after failing to do so, exited the vehicle, pursued the man on foot as he fled, cornered the man, and shot him to death on July 11, 2016. The resulting lawsuit was settled for \$719,000. www.sacbee.com/news/local/article130391109.html).

v. *Namoca v. City of Sacramento*, E.D. Cal. Case No. 2:16-cv-02283-TLN-
EFB (Alleging that two police officers falsely accused a minor of “tampering” with a mailbox, tackled
him to the ground and dislocated his shoulder, and unlawfully detained him in the back of a police car for
nearly an hour while conducting pretextual records searches before finally releasing him when it became
apparent that no lawful justification for the arrest could be found on June 7, 2016. The resulting lawsuit
was settled for \$40,000. <<https://www.sacbee.com/news/local/article228710949.html>>).

vi. *Thompson v. City of Sacramento*, E.D. Cal. Case No. 2:18-cv-00806-KJM-DB (Alleging that a police officer slammed a woman face-first into the frame of a patrol vehicle multiple times, breaking her nose and the orbital around her eye on April 10, 2016. The resulting lawsuit was settled).

vii. *Halcomb v. City of Sacramento*, E.D. Cal. Case No. 2:14-cv-02796-MCE-DB (Alleging that three police officers broke into the wrong residence seeking the subject of an arrest warrant who lived at a different address and used excessive and unreasonable force against the resident

1 when he confronted the intruders on August 8, 2014. The resulting lawsuit was settled for \$220,000, after
2 it was discovered that a police officer lied about the existence of a warrant.

3 <<http://www.sacbee.com/news/local/crime/article147296244.html>>. On March 7, 2018, in response to a
4 subsequent citizen complaint against the officer who lied under oath, Defendant DANIEL HAHN found
5 “no violation of Police Department rules or regulations” by the officer that lied, under oath, about the
6 existence of a warrant).

7 **RATIFICATION**

8 172. On information and belief, Defendants CITY OF SACRAMENTO, SACRAMENTO
9 POLICE DEPARTMENT, DANIEL HAHN, and DOE 201 to 225 have failed and/or refused to hold
10 their officers accountable for the unreasonable and excessive uses of force against Plaintiffs DANIEL
11 GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND,
12 ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA, and the class of similarly
13 situated persons they seek to represent.

14 173. On information and belief, Defendants CITY OF SACRAMENTO, SACRAMENTO
15 POLICE DEPARTMENT, DANIEL HAHN, and DOE 201 to 225 have determined that the unreasonable
16 and excessive use of force against Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH
17 CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER,
18 and JENNIFER LORET DE MOLA, and the class of similarly situated persons they seek to represent,
19 was justified and/or in compliance with Defendant SACRAMENTO POLICE DEPARTMENT’s policies
20 and general orders, based on the customs described above.

21 **CLASS ALLEGATIONS**

22 174. Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
23 DANIEL HAHN, and DOE 201 to 225 deprived Plaintiffs DANIEL GARZA, JOSHUA RUIZ,
24 ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN
25 RUFFNER, and JENNIFER LORET DE MOLA, and the class of similarly situated persons they seek to
26 represent, of their civil rights including, but not limited to, the right to freedom of expression and speech
27 and the right against being subject to uses of unreasonable and excessive force. Plaintiffs DANIEL
28 GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND,

1 ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA, and the class of similarly
2 situated persons they seek to represent, were injured as a result of a policy or custom, a lack of proper
3 training, and/or were ratified by policymaking officials, including Defendants CITY OF
4 SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 201 to 225.

5 175. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
6 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
7 MOLA seek to represent a class of non-threatening demonstration attendees who were and/or will be
8 subject to unconstitutional conduct carried out by Defendants CITY OF SACRAMENTO,
9 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 201 to 225.

10 176. Pursuant to Fed. R. Civ. P. 23(a)(1), the members of the class are so numerous that joinder
11 of all members is impractical, as there are at least 40 class members, on information and belief.

12 177. Pursuant to Fed. R. Civ. P. 23(a)(2), there are many facts common to the class including,
13 but not limited to, whether Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
14 DEPARTMENT, DANIEL HAHN, and DOE 201 to 225 deprived Plaintiffs DANIEL GARZA,
15 JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND,
16 ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA, and the class of similarly
17 situated persons they seek to represent, of their rights and/or had policies or customs permitting or
18 deliberately indifferent to constitutional and civil rights, including:

- 19 a. indiscriminate and unreasonable uses of force against attendees at demonstrations;
- 20 b. retaliation against attendees at demonstrations concerning police violence; and/or
- 21 c. discrimination against attendees at demonstrations concerning police violence.

22 178. Pursuant to Fed. R. Civ. P. 23(a)(2), there are many questions of law common to the class
23 including, but are not limited to, whether Defendants CITY OF SACRAMENTO, SACRAMENTO
24 POLICE DEPARTMENT, DANIEL HAHN, and DOE 201 to 225 deprived Plaintiffs DANIEL GARZA,
25 JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND,
26 ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA, and the class of similarly
27 situated persons they seek to represent, of their rights and/or had policies or customs permitting or
28 deliberately indifferent to constitutional and civil rights, including:

- 1 (a) Violations of the Fourth Amendment of the U.S. Constitution, which prohibits
2 unreasonable and excessive force;
- 3 (b) Violations of the Fourteenth Amendment of the U.S. Constitution, which prohibits
4 indiscriminate and unintentional uses of force;
- 5 (c) Violations of the First Amendment of the U.S. Constitution, which prohibits retaliation in
6 response to protected activity;
- 7 (d) Violations of the Fourteenth Amendment of the U.S. Constitution, which prohibits
8 unequal treatment of persons under the law;
- 9 (e) Violations of Article I, Section 13 of the California Constitution, which prohibits
10 unreasonable and excessive force;
- 11 (f) Violations of Article I, Section 7(a) of the California Constitution, which prohibits
12 indiscriminate and unintentional uses of force
- 13 (g) Violations of Article I, Sections 1, 2, and 3 of the California Constitution, which prohibits
14 retaliation in response to protected activity;
- 15 (h) Violations of Article I, Section 7(a) of the California Constitution, which prohibits
16 unequal treatment of persons under the law; and
- 17 (i) Violations of the Cal. Civ. Code § 52.1, for each of the reasons described in subdivisions
18 (a) through (h), above.

19 179. Pursuant to Fed. R. Civ. 23(a)(3), proposed representative Plaintiffs DANIEL GARZA,
20 JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND,
21 ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA's claims are typical of the
22 class they seek to represent, and share the same interests and suffered the same types of injuries as the
23 putative class members, where the alleged claims are based upon the same legal theories and similar
24 facts.

25 180. Pursuant to Fed. R. Civ. P. 23(a)(4), proposed representative Plaintiffs DANIEL GARZA,
26 JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND,
27 ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA are prepared fairly and
28 adequately to protect the interests of the class, and their interests are consistent with, and not antagonistic

1 to, the interests of the class.

2 181. On information and belief, identities of the members of the class may be ascertained from
3 records maintained by Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE
4 DEPARTMENT, such as police or force reports; and/or from records maintained by third parties, such as
5 hospitals or medical care providers.

6 182. Pursuant to Fed. R. Civ. P. 23(b)(1)(A), prosecutions of separate actions by individual
7 members of the class would create a risk that inconsistent or varying adjudications with respect to
8 individual members of the class would establish incompatible standards of conduct for the parties
9 opposing the class.

10 183. Pursuant to Fed. R. Civ. P. 23(b)(1)(B), prosecutions of separate actions by individual
11 members of the class would create a risk of inconsistent adjudications with respect to individual members
12 of the putative class which would, as a practical matter, substantially impair or impede the interests of the
13 other members of the putative class to protect their interests.

14 184. Pursuant to Fed. R. Civ. P. 23(b)(2), Defendants CITY OF SACRAMENTO,
15 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 201 to 225 have acted on
16 grounds generally applicable to the class, thereby making appropriate the final injunctive or declaratory
17 relief with respect to the class as a whole.

18 185. Pursuant to Fed. R. Civ. P. 23(b)(3), the questions of law and fact, as alleged above, are
19 common to class members and predominate over any questions affecting only individual members.

20 186. Pursuant to Fed. R. Civ. P. 23(b)(3), a class action is superior to other available methods
21 for the fair and equitable adjudication of the controversy between the parties.

22 187. Pursuant to Fed. R. Civ. P. 23(b)(3)(A), the interests of members of the class in
23 individually controlling the prosecution of a separate action is low, where most class members would be
24 unable individually to prosecute any action at all, for example, where the amounts at stake for members
25 of the class may be so small that separate suits would be impracticable, or where most members of the
26 class may not be able to find counsel to represent them.

27 188. Pursuant to Fed. R. Civ. P. 23(b)(3)(B), there exists no other litigation concerning the
28 controversy that has already begun by or against class members, on information and belief.

189. Pursuant to Fed. R. Civ. P. 23(b)(3)(C), it is desirable to concentrate all litigation in one forum because it will promote judicial efficiency to resolve the common questions of law and fact in one forum, rather than in multiple forums.

190. Pursuant to Fed. R. Civ. P. 23(b)(3)(D), there are not likely to be significant difficulties in managing a class action in this case.

191. Pursuant to Fed. R. Civ. P. 23(c)(2), upon certification under Fed. R. Civ. P. 23(b)(3),
Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL,
RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA
contemplate that individual notice will be given to members of the class at their last-known address by
first-class U.S. mail, informing members of the class to the following: (1) the pendency of the class
action and the issues common to the class; (2) the nature of the action; (3) a class member's right to "opt-
out" of the action within a given time, in which event the class member will not be bound by a decision
rendered in the class action; (4) a class member's right, if the class member does not "opt-out," to be
represented by the class member's own counsel and to enter an appearance in the case, otherwise the
class member will be represented by representative Plaintiffs DANIEL GARZA, JOSHUA RUIZ,
ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN
RUFFNER, and JENNIFER LORET DE MOLA and their counsel; and (5) the class member's right, if
the class member does not "opt-out," to share in any recovery in favor of the class, and conversely to be
bound by any judgment on the common issues adverse to the class.

EQUITABLE ALLEGATIONS

192. There is an actual controversy between Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA, and the class of similarly situated persons they seek to represent, and Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 225 concerning the threat of unreasonable and excessive uses of force by Defendant SACRAMENTO POLICE DEPARTMENT's officers pursuant to execution of Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 201 to 225's policies or customs concerning permitting indiscriminate uses of force against attendees at

1 demonstrations. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
2 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
3 MOLA, and the class of similarly situated persons they seek to represent, seek a judicial determination of
4 their rights and duties and a declaration as to and Defendants CITY OF SACRAMENTO,
5 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 225's constitutional
6 obligations.

7 193. On information and belief, as a direct consequence of Defendants DOE 1 to 225's past
8 conduct and Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
9 DANIEL HAHN, and DOE 201 to 225's failure to act and to restrain their officers from using similarly-
10 unconstitutional uses of force, Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH
11 CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER,
12 and JENNIFER LORET DE MOLA, and the class of similarly situated persons they seek to represent,
13 have suffered and will continue to suffer violations of their constitutional and civil rights resulting in
14 irreparable harm, including the chilling of free speech, right to petition, and right to be free from
15 unreasonable and excessive uses of force.

16 **FIRST CLAIM**

17 **Unreasonable and Excessive Force**

18 **(U.S. Const., Amend. IV; 42 U.S.C. § 1983)**

19 194. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
20 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
21 MOLA, on behalf of themselves and a class of similarly situated persons, assert this Claim against
22 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,
23 and DOE 1 to 225.

24 195. The allegations of the preceding paragraphs 1 to 193 are realleged and incorporated, to the
25 extent relevant, as if fully set forth in this Claim.

26 196. Individual Claims: Defendants DOE 1 to 200, acting or purporting to act under color of
27 state law and in the performance of their official duties as law enforcement officers, used unreasonable
28 and excessive force against Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY,

1 STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER
2 LORET DE MOLA, and the class of similarly situated persons they seek to represent, or failed to
3 intercede and/or were integral participants to the use of unreasonable and excessive force, in violation of
4 rights protected by the Fourth Amendment (as incorporated through the Fourteenth Amendment) of the
5 U.S. Constitution.

6 197. Cass Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
7 DEPARTMENT, DANIEL HAHN, and DOE 201 to 225, acting or purporting to act under color of state
8 law and as policymaking authorities, maintained policies or customs of action and inaction resulting in
9 harm to Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
10 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
11 MOLA, and the class of similarly situated persons they seek to represent, in violation of rights protected
12 by the Fourth Amendment (as incorporated through the Fourteenth Amendment) of the U.S. Constitution.

13 198. Defendants DANIEL HAHN and DOE 1 to 225's actions and inactions were motivated by
14 evil motive or intent, involved reckless or callous indifference to constitutionally protected rights, or
15 were wantonly or oppressively done.

16 199. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
17 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
18 MOLA, and the class of similarly situated persons they seek to represent, were injured as a direct and
19 proximate result of Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
20 DANIEL HAHN, and DOE 1 to 225's actions and inactions, entitling them to receive compensatory
21 damages and equitable (declaratory and injunctive) relief against Defendants CITY OF SACRAMENTO,
22 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 225; and punitive damages
23 against Defendants DANIEL HAHN and DOE 1 to 225.

24 WHEREFORE, Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY,
25 STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER
26 LORET DE MOLA, on behalf of themselves and a class of similarly situated persons, pray for relief as
27 hereunder appears.

28 \\\

SECOND CLAIM

Unreasonable and Excessive Force

(U.S. Const., Amend. XIV; 42 U.S.C. § 1983)

200. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
MOLA, on behalf of themselves and a class of similarly situated persons, assert this Claim against
Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,
and DOE 1 to 225.

201. The allegations of the preceding paragraphs 1 to 193 are realleged and incorporated, to the extent relevant, as if fully set forth in this Claim.

202. Individual Claims: Defendants DOE 1 to 200, acting or purporting to act in the performance of their official duties as law enforcement officers, engaged in conscience-shocking conduct by employing potentially-lethal force with the purpose to harm and/or deliberate indifference and without regard to the known or obvious risks of injury to Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA, and the class of similarly situated persons they seek to represent, or failed to intercede and/or were integral participants to the potentially-lethal force, in violation of rights protected by the Fourteenth Amendment of the U.S. Constitution.

203. Class Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
DEPARTMENT, DANIEL HAHN, and DOE 201 to 225, acting or purporting to act under color of state
law and as policymaking authorities, maintained policies or customs of action and inaction resulting in
harm to Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
MOLA, and the class of similarly situated persons they seek to represent, in violation of rights protected
by the Fourteenth Amendment of the U.S. Constitution.

204. Defendants DANIEL HAHN and DOE 1 to 225's actions and inactions were motivated by evil motive or intent, involved reckless or callous indifference to constitutionally protected rights, or were wantonly or oppressively done.

1 205. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
2 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
3 MOLA, and the class of similarly situated persons they seek to represent, were injured as a direct and
4 proximate result of Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
5 DANIEL HAHN, and DOE 1 to 225's actions and inactions, entitling them to receive compensatory
6 damages and equitable (declaratory and injunctive) relief against Defendants CITY OF SACRAMENTO,
7 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 225; and punitive damages
8 against Defendants DANIEL HAHN and DOE 1 to 225.

9 WHEREFORE, Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY,
10 STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER
11 LORET DE MOLA, on behalf of themselves and a class of similarly situated persons, pray for relief as
12 hereunder appears.

13 **THIRD CLAIM**

14 **Retaliation**

15 **(U.S. Const., Amend. I; 42 U.S.C. § 1983)**

16 206. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
17 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
18 MOLA, on behalf of themselves and a class of similarly situated persons, assert this Claim against
19 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,
20 and DOE 1 to 225.

21 207. The allegations of the preceding paragraphs 1 to 193 are realleged and incorporated, to the
22 extent relevant, as if fully set forth in this Claim.

23 208. Individual Claims: Defendants DOE 1 to 200, acting or purporting to act under color of
24 state law and in the performance of their official duties as law enforcement officers, retaliated against
25 Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL,
26 RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA,
27 and the class of similarly situated persons they seek to represent, for engaging in constitutionally
28 protected activity with intent to inhibit that activity, or failed to intercede and/or were integral

participants to the retaliation, in violation of rights protected by the First Amendment (as incorporated through the Fourteenth Amendment) of the U.S. Constitution.

209. Class Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
DEPARTMENT, DANIEL HAHN, and DOE 201 to 225, acting or purporting to act under color of state
law and as policymaking authorities, maintained policies or customs of action and inaction resulting in
harm to Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
MOLA, and the class of similarly situated persons they seek to represent, in violation of rights protected
by the First Amendment (as incorporated through the Fourteenth Amendment) of the U.S. Constitution.

210. Defendants DANIEL HAHN and DOE 1 to 225's actions and inactions were motivated by evil motive or intent, involved reckless or callous indifference to constitutionally protected rights, or were wantonly or oppressively done.

211. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
MOLA, and the class of similarly situated persons they seek to represent, were injured as a direct and
proximate result of Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
DANIEL HAHN, and DOE 1 to 225's actions and inactions, entitling them to receive compensatory
damages and equitable (declaratory and injunctive) relief against Defendants CITY OF SACRAMENTO,
SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 225; and punitive damages
against Defendants DANIEL HAHN and DOE 1 to 225.

WHEREFORE, Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA, on behalf of themselves and a class of similarly situated persons, pray for relief as hereunder appears.

FOURTH CLAIM

Equal Protection

(U.S. Const., Amend. XIV; 42 U.S.C. § 1983)

212. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN

1 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
2 MOLA, on behalf of themselves and a class of similarly situated persons, assert this Claim against
3 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,
4 and DOE 1 to 225.

5 213. The allegations of the preceding paragraphs 1 to 193 are realleged and incorporated, to the
6 extent relevant, as if fully set forth in this Claim.

7 214. Individual Claims: Defendants DOE 1 to 200, acting or purporting to act under color of
8 state law and in the performance of their official duties as law enforcement officers, discriminated
9 against Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL,
10 RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA,
11 and the class of similarly situated persons they seek to represent, when using force against them based on
12 an animus towards attendees at demonstrations concerning police violence and accountability, without a
13 rational relationship to any legitimate state interest, or failed to intercede and/or were integral participants
14 to the discriminatory uses of force, in violation of rights protected by the Fourteenth Amendment of the
15 U.S. Constitution.

16 215. Class Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
17 DEPARTMENT, DANIEL HAHN, and DOE 201 to 225, acting or purporting to act under color of state
18 law and as policymaking authorities, maintained policies or customs of action and inaction resulting in
19 harm to Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
20 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
21 MOLA, and the class of similarly situated persons they seek to represent, in violation of rights protected
22 by the Fourteenth Amendment of the U.S. Constitution.

23 216. Defendants DANIEL HAHN and DOE 1 to 225's actions and inactions were motivated by
24 evil motive or intent, involved reckless or callous indifference to constitutionally protected rights, or
25 were wantonly or oppressively done.

26 217. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
27 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
28 MOLA, and the class of similarly situated persons they seek to represent, were injured as a direct and

1 proximate result of Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
2 DANIEL HAHN, and DOE 1 to 225's actions and inactions, entitling them to receive compensatory
3 damages and equitable (declaratory and injunctive) relief against Defendants CITY OF SACRAMENTO,
4 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 225; and punitive damages
5 against Defendants DANIEL HAHN and DOE 1 to 225.

6 WHEREFORE, Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY,
7 STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER
8 LORET DE MOLA, on behalf of themselves and a class of similarly situated persons, pray for relief as
9 hereunder appears.

10 **FIFTH CLAIM**

11 **Rehabilitation Act**

12 **(29 U.S.C. § 701, *et seq.*)**

13 218. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
14 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
15 MOLA, on behalf of themselves and a class of similarly situated persons, assert this Claim against
16 Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT.

17 219. The allegations of the preceding paragraphs 1 to 193 are realleged and incorporated, to the
18 extent relevant, as if fully set forth in this Claim.

19 220. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT
20 each qualify as a "public entity" within the meaning of 42 U.S.C. § 12131(1)(A) and 28 C.F.R. § 35.104.
21 On information and belief, Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE
22 DEPARTMENT receive federal financial assistance. Plaintiffs DANIEL GARZA, JOSHUA RUIZ,
23 ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN
24 RUFFNER, and JENNIFER LORET DE MOLA, and the class of similarly situated persons they seek to
25 represent, at all times material herein, were regarded as having a physical or mental impairment that
26 substantially limited one or more major life activities; or were perceived to have a physical or mental
27 impairment.

28 221. Individual Claims: Defendants DOE 1 to 200, acting or purporting to act in the

1 performance of their official duties as law enforcement officers, failed reasonably to accommodate the
2 disabilities of Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
3 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
4 MOLA, and the class of similarly situated persons they seek to represent, and personally utilized, failed
5 to intercede and prevent, and/or were integral participants to the use of unreasonable and excessive force
6 against them because of their apparent or perceived disabilities, in violation of rights protected by the
7 Rehabilitation Act, 29 U.S.C. § 794, *et seq.*

8 222. Class Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
9 DEPARTMENT, DANIEL HAHN, and DOE 201 to 225, acting or purporting to act under color of state
10 law and as policymaking authorities, maintained policies or customs of action and inaction resulting in
11 harm to Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
12 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
13 MOLA, and the class of similarly situated persons they seek to represent, in violation of rights protected
14 by the Rehabilitation Act, 29 U.S.C. § 701, *et seq.*

15 223. Defendants DANIEL HAHN and DOE 1 to 225's actions and inactions were motivated by
16 evil motive or intent, involved reckless or callous indifference to statutorily protected rights, or were
17 wantonly or oppressively done.

18 224. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
19 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
20 MOLA, and the class of similarly situated persons they seek to represent, were injured as a direct and
21 proximate result of Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
22 DANIEL HAHN, and DOE 1 to 225's actions and inactions, entitling them to receive nominal,
23 compensatory, and punitive damages and equitable (declaratory and injunctive) relief against Defendants
24 CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT.

25 WHEREFORE, Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY,
26 STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER
27 LORET DE MOLA, on behalf of themselves and a class of similarly situated persons, pray for relief as
28 hereunder appears.

1 **SIXTH CLAIM**

2 **Americans with Disabilities Act**

3 **(42 U.S.C. § 12101, *et seq.*)**

4 225. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
5 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
6 MOLA, on behalf of themselves and a class of similarly situated persons, assert this Claim against
7 Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT.

8 226. The allegations of the preceding paragraphs 1 to 193 are realleged and incorporated, to the
9 extent relevant, as if fully set forth in this Claim.

10 227. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT
11 each qualify as a “public entity” within the meaning of 42 U.S.C. § 12102(1) and 28 C.F.R. § 35.104.
12 Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL,
13 RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA,
14 and the class of similarly situated persons they seek to represent, at all times material herein, were
15 regarded as having a physical or mental impairment that substantially limited one or more major life
16 activities; or were perceived to have a physical or mental impairment.

17 228. Individual Claims: Defendants DOE 1 to 200, acting or purporting to act in the
18 performance of their official duties as law enforcement officers, failed reasonably to accommodate the
19 disabilities of Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
20 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
21 MOLA, and the class of similarly situated persons they seek to represent, and personally utilized, failed
22 to intercede and prevent, and/or were integral participants to the use of unreasonable and excessive force
23 against them because of their apparent or perceived disabilities, in violation of rights protected by the
24 Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*

25 229. Class Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
26 DEPARTMENT, DANIEL HAHN, and DOE 201 to 225, acting or purporting to act under color of state
27 law and as policymaking authorities, maintained policies or customs of action and inaction resulting in
28 harm to Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN

1 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
2 MOLA, and the class of similarly situated persons they seek to represent, in violation of rights protected
3 by the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*

4 230. Defendants DANIEL HAHN and DOE 1 to 225's actions and inactions were motivated by
5 evil motive or intent, involved reckless or callous indifference to statutorily protected rights, or were
6 wantonly or oppressively done.

7 231. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
8 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
9 MOLA, and the class of similarly situated persons they seek to represent, were injured as a direct and
10 proximate result of Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
11 DANIEL HAHN, and DOE 1 to 225's actions and inactions, entitling them to receive nominal,
12 compensatory, and punitive damages and equitable (declaratory and injunctive) relief against Defendants
13 CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT.

14 WHEREFORE, Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY,
15 STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER
16 LORET DE MOLA, on behalf of themselves and a class of similarly situated persons, pray for relief as
17 hereunder appears.

18 **SEVENTH CLAIM**

19 **Unreasonable and Excessive Force**

20 **(Cal. Const., Art. I, § 13)**

21 232. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
22 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
23 MOLA, on behalf of themselves and a class of similarly situated persons, assert this Claim against
24 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,
25 and DOE 1 to 225.

26 233. The allegations of the preceding paragraphs 1 to 193 are realleged and incorporated, to the
27 extent relevant, as if fully set forth in this Claim.

28 234. Individual Claims: Defendants DOE 1 to 200, acting or purporting to act under color of

1 state law and in the performance of their official duties as law enforcement officers, used unreasonable
2 and excessive force against Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY,
3 STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER
4 LORET DE MOLA, and the class of similarly situated persons they seek to represent, or failed to
5 intercede and/or were integral participants to the use of unreasonable and excessive force, in violation of
6 rights protected by Article I, Section 13 of the California Constitution.

7 235. Cass Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
8 DEPARTMENT, DANIEL HAHN, and DOE 201 to 225, acting or purporting to act under color of state
9 law and as policymaking authorities, maintained policies or customs of action and inaction resulting in
10 harm to Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
11 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
12 MOLA, and the class of similarly situated persons they seek to represent, in violation of rights protected
13 by Article I, Section 13 of the California Constitution.

14 236. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT
15 are vicariously liable, through the principles of *respondeat superior* and pursuant to Cal. Gov. Code §§
16 815.2(a) and 820(a), for injuries proximately caused by the acts and omissions of their employees acting
17 within the scope of their employment, including Defendants DANIEL HAHN and DOE 1 to 225.

18 237. Defendants DANIEL HAHN and DOE 1 to 225's actions and inactions constituted
19 oppression, fraud, and/or malice resulting in great harm.

20 238. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
21 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
22 MOLA, and the class of similarly situated persons they seek to represent, were injured as a direct and
23 proximate result of Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
24 DANIEL HAHN, and DOE 1 to 225's actions and inactions, entitling them to receive compensatory
25 damages and equitable (declaratory and injunctive) relief against Defendants CITY OF SACRAMENTO,
26 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 225; and punitive damages
27 against Defendants DANIEL HAHN and DOE 1 to 225.

28 WHEREFORE, Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY,

1 STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER
2 LORET DE MOLA, on behalf of themselves and a class of similarly situated persons, pray for relief as
3 hereunder appears.

4 **EIGHTH CLAIM**

5 **Unreasonable and Excessive Force**

6 **(Cal. Const., Art. I, § 7(a))**

7 239. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
8 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
9 MOLA, on behalf of themselves and a class of similarly situated persons, assert this Claim against
10 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,
11 and DOE 1 to 225.

12 240. The allegations of the preceding paragraphs 1 to 193 are realleged and incorporated, to the
13 extent relevant, as if fully set forth in this Claim.

14 241. Individual Claims: Defendants DOE 1 to 200, acting or purporting to act in the
15 performance of their official duties as law enforcement officers, engaged in conscience-shocking conduct
16 by employing potentially-lethal force with the purpose to harm and/or deliberate indifference and without
17 regard to the known or obvious risks of injury to Plaintiffs DANIEL GARZA, JOSHUA RUIZ,
18 ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN
19 RUFFNER, and JENNIFER LORET DE MOLA, and the class of similarly situated persons they seek to
20 represent, or failed to intercede and/or were integral participants to the potentially-lethal force, in
21 violation of rights protected by Article I, Section 7(a) of the California Constitution.

22 242. Class Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
23 DEPARTMENT, DANIEL HAHN, and DOE 201 to 225, acting or purporting to act under color of state
24 law and as policymaking authorities, maintained policies or customs of action and inaction resulting in
25 harm to Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
26 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
27 MOLA, and the class of similarly situated persons they seek to represent, in violation of rights protected
28 by Article I, Section 7(a) of the California Constitution.

243. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT are vicariously liable, through the principles of *respondeat superior* and pursuant to Cal. Gov. Code §§ 815.2(a) and 820(a), for injuries proximately caused by the acts and omissions of their employees acting within the scope of their employment, including Defendants DANIEL HAHN and DOE 1 to 225.

244. Defendants DANIEL HAHN and DOE 1 to 225's actions and inactions constituted oppression, fraud, and/or malice resulting in great harm.

245. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
MOLA, and the class of similarly situated persons they seek to represent, were injured as a direct and
proximate result of Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
DANIEL HAHN, and DOE 1 to 225's actions and inactions, entitling them to receive compensatory
damages and equitable (declaratory and injunctive) relief against Defendants CITY OF SACRAMENTO,
SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 225; and punitive damages
against Defendants DANIEL HAHN and DOE 1 to 225.

WHEREFORE, Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA, on behalf of themselves and a class of similarly situated persons, pray for relief as hereunder appears.

NINTH CLAIM

Retaliation

(Cal. Const., Art. I, §§ 1, 2, 3)

246. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
MOLA, on behalf of themselves and a class of similarly situated persons, assert this Claim against
Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,
and DOE 1 to 225.

247. The allegations of the preceding paragraphs 1 to 193 are realleged and incorporated, to the extent relevant, as if fully set forth in this Claim.

1 248. Individual Claims: Defendants DOE 1 to 200, acting or purporting to act under color of
2 state law and in the performance of their official duties as law enforcement officers, retaliated against
3 Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL,
4 RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA,
5 and the class of similarly situated persons they seek to represent, for engaging in constitutionally
6 protected activity with intent to inhibit that activity, or failed to intercede and/or were integral
7 participants to the retaliation, in violation of rights protected by Article I, Sections 1, 2, and 3 of the
8 California Constitution.

9 249. Class Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
10 DEPARTMENT, DANIEL HAHN, and DOE 201 to 225, acting or purporting to act under color of state
11 law and as policymaking authorities, maintained policies or customs of action and inaction resulting in
12 harm to Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
13 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
14 MOLA, and the class of similarly situated persons they seek to represent, in violation of rights protected
15 by Article I, Sections 1, 2, and 3 of the California Constitution.

16 250. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT
17 are vicariously liable, through the principles of *respondeat superior* and pursuant to Cal. Gov. Code §§
18 815.2(a) and 820(a), for injuries proximately caused by the acts and omissions of their employees acting
19 within the scope of their employment, including Defendants DANIEL HAHN and DOE 1 to 225.

20 251. Defendants DANIEL HAHN and DOE 1 to 225's actions and inactions constituted
21 oppression, fraud, and/or malice resulting in great harm.

22 252. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
23 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
24 MOLA, and the class of similarly situated persons they seek to represent, were injured as a direct and
25 proximate result of Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
26 DANIEL HAHN, and DOE 1 to 225's actions and inactions, entitling them to receive compensatory
27 damages and equitable (declaratory and injunctive) relief against Defendants CITY OF SACRAMENTO,
28 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 225; and punitive damages

1 against Defendants DANIEL HAHN and DOE 1 to 225.

2 WHEREFORE, Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY,
3 STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER
4 LORET DE MOLA, on behalf of themselves and a class of similarly situated persons, pray for relief as
5 hereunder appears.

6 **TENTH CLAIM**

7 **Equal Protection**

8 **(Cal. Const., Art. I, § 7(a))**

9 253. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
10 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
11 MOLA, on behalf of themselves and a class of similarly situated persons, assert this Claim against
12 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,
13 and DOE 1 to 225.

14 254. The allegations of the preceding paragraphs 1 to 193 are realleged and incorporated, to the
15 extent relevant, as if fully set forth in this Claim.

16 255. Individual Claims: Defendants DOE 1 to 200, acting or purporting to act under color of
17 state law and in the performance of their official duties as law enforcement officers, discriminated
18 against Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL,
19 RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA,
20 and the class of similarly situated persons they seek to represent, when using force against them based on
21 an animus towards attendees at demonstrations concerning police violence and accountability, without a
22 rational relationship to any legitimate state interest, or failed to intercede and/or were integral participants
23 to the discriminatory uses of force, in violation of rights protected by the Fourteenth Amendment of the
24 U.S. Constitution.

25 256. Class Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
26 DEPARTMENT, DANIEL HAHN, and DOE 201 to 225, acting or purporting to act under color of state
27 law and as policymaking authorities, maintained policies or customs of action and inaction resulting in
28 harm to Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN

1 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
2 MOLA, and the class of similarly situated persons they seek to represent, in violation of rights protected
3 by Article I, Section 7(a) of the California Constitution.

4 257. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT
5 are vicariously liable, through the principles of *respondeat superior* and pursuant to Cal. Gov. Code §§
6 815.2(a) and 820(a), for injuries proximately caused by the acts and omissions of their employees acting
7 within the scope of their employment, including Defendants DANIEL HAHN and DOE 1 to 225.

8 258. Defendants DANIEL HAHN and DOE 1 to 225's actions and inactions constituted
9 oppression, fraud, and/or malice resulting in great harm.

10 259. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
11 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
12 MOLA, and the class of similarly situated persons they seek to represent, were injured as a direct and
13 proximate result of Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
14 DANIEL HAHN, and DOE 1 to 225's actions and inactions, entitling them to receive compensatory
15 damages and equitable (declaratory and injunctive) relief against Defendants CITY OF SACRAMENTO,
16 SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 225; and punitive damages
17 against Defendants DANIEL HAHN and DOE 1 to 225.

18 WHEREFORE, Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY,
19 STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER
20 LORET DE MOLA, on behalf of themselves and a class of similarly situated persons, pray for relief as
21 hereunder appears.

22 **ELEVENTH CLAIM**

23 **Bane Act**

24 **(Cal. Civ. Code § 52.1)**

25 260. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
26 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
27 MOLA, on behalf of themselves and a class of similarly situated persons, assert this Claim against
28 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,

1 and DOE 1 to 225.

2 261. The allegations of the preceding paragraphs 1 to 193 are realleged and incorporated, to the
3 extent relevant, as if fully set forth in this Claim.

4 Unreasonable and Excessive Force

5 262. Individual Claims: Defendants DOE 1 to 200, acting or purporting to act under color of
6 state law and in the performance of their official duties as law enforcement officers, used unreasonable
7 and excessive force against Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY,
8 STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER
9 LORET DE MOLA, and the class of similarly situated persons they seek to represent, or failed to
10 intercede and/or were integral participants to the use of unreasonable and excessive force, with specific
11 intent (*i.e.*, deliberate indifference or reckless disregard) to deprive rights protected by the Fourth
12 Amendment (as incorporated through the Fourteenth Amendment) of the U.S. Constitution and Article I,
13 Section 13 of the California Constitution.

14 263. Class Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
15 DEPARTMENT, DANIEL HAHN, and DOE 201 to 225, acting or purporting to act under color of state
16 law and as policymaking authorities, maintained policies or customs of action and inaction resulting in
17 harm to Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
18 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
19 MOLA, and the class of similarly situated persons they seek to represent, with specific intent (*i.e.*,
20 deliberate indifference or reckless disregard) to deprive rights protected by the Fourth Amendment (as
21 incorporated through the Fourteenth Amendment) of the U.S. Constitution and Article I, Section 13 of
22 the California Constitution.

23 Unreasonable and Excessive Force

24 264. Individual Claims: Defendants DOE 1 to 200, acting or purporting to act in the
25 performance of their official duties as law enforcement officers, engaged in conscience-shocking conduct
26 by employing potentially-lethal force with the purpose to harm and/or deliberate indifference and without
27 regard to the known or obvious risks of injury to Plaintiffs DANIEL GARZA, JOSHUA RUIZ,
28 ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN

1 RUFFNER, and JENNIFER LORET DE MOLA, and the class of similarly situated persons they seek to
2 represent, or failed to intercede and/or were integral participants to the potentially-lethal force, with
3 specific intent (*i.e.*, deliberate indifference or reckless disregard) to deprive rights protected by the
4 Fourteenth Amendment of the U.S. Constitution and Article I, Section 7(a) of the California Constitution.

5 265. Class Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
6 DEPARTMENT, DANIEL HAHN, and DOE 201 to 225, acting or purporting to act under color of state
7 law and as policymaking authorities, maintained policies or customs of action and inaction resulting in
8 harm to Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
9 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
10 MOLA, and the class of similarly situated persons they seek to represent, with specific intent (*i.e.*,
11 deliberate indifference or reckless disregard) to deprive rights protected by the Fourteenth Amendment of
12 the U.S. Constitution and Article I, Section 7(a) of the California Constitution.

Retaliation

14 266. Individual Claims: Defendants DOE 1 to 200, acting or purporting to act under color of
15 state law and in the performance of their official duties as law enforcement officers, retaliated against
16 Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL,
17 RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA,
18 and the class of similarly situated persons they seek to represent, for engaging in constitutionally
19 protected activity with intent to inhibit that activity, or failed to intercede and/or were integral
20 participants to the retaliation, with specific intent (*i.e.*, deliberate indifference or reckless disregard) to
21 deprive rights protected by the First Amendment (as incorporated through the Fourteenth Amendment) of
22 the U.S. Constitution and Article I, Sections 1, 2, and 3 of the California Constitution.

23 267. Class Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
24 DEPARTMENT, DANIEL HAHN, and DOE 201 to 225, acting or purporting to act under color of state
25 law and as policymaking authorities, maintained policies or customs of action and inaction resulting in
26 harm to Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
27 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
28 MOLA, and the class of similarly situated persons they seek to represent, with specific intent (*i.e.*,

1 deliberate indifference or reckless disregard) to deprive rights protected by the First Amendment (as
2 incorporated through the Fourteenth Amendment) of the U.S. Constitution and Article I, Sections 1, 2,
3 and 3 of the California Constitution.

4 Equal Protection

5 268. Individual Claims: Defendants DOE 1 to 200, acting or purporting to act under color of
6 state law and in the performance of their official duties as law enforcement officers, discriminated
7 against Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL,
8 RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA,
9 and the class of similarly situated persons they seek to represent, when using force against them based on
10 an animus towards attendees at demonstrations concerning police violence and accountability, without a
11 rational relationship to any legitimate state interest, or failed to intercede and/or were integral participants
12 to the discriminatory uses of force, with specific intent (*i.e.*, deliberate indifference or reckless disregard)
13 to deprive rights protected by the Fourteenth Amendment of the U.S. Constitution and Article I, Section
14 7(a) of the California Constitution.

15 269. Class Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
16 DEPARTMENT, DANIEL HAHN, and DOE 201 to 225, acting or purporting to act under color of state
17 law and as policymaking authorities, maintained policies or customs of action and inaction resulting in
18 harm to Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
19 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
20 MOLA, and the class of similarly situated persons they seek to represent, with specific intent (*i.e.*,
21 deliberate indifference or reckless disregard) to deprive rights protected by the Fourteenth Amendment of
22 the U.S. Constitution and Article I, Section 7(a) of the California Constitution.

23 Rehabilitation Act & Americans with Disabilities Act

24 270. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT
25 each qualify as a “public entity” within the meaning of 42 U.S.C. § 12131(1)(A) and 28 C.F.R. § 35.104.
26 On information and belief, Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE
27 DEPARTMENT receive federal financial assistance. Plaintiffs DANIEL GARZA, JOSHUA RUIZ,
28 ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN

1 RUFFNER, and JENNIFER LORET DE MOLA, and the class of similarly situated persons they seek to
2 represent, at all times material herein, were regarded as having a physical or mental impairment that
3 substantially limited one or more major life activities; or were perceived to have a physical or mental
4 impairment.

5 271. Individual Claims: Defendants DOE 1 to 200, acting or purporting to act in the
6 performance of their official duties as law enforcement officers, failed reasonably to accommodate the
7 disabilities of Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
8 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
9 MOLA, and the class of similarly situated persons they seek to represent, and personally utilized, failed
10 to intercede and prevent, and/or were integral participants to the use of unreasonable and excessive force
11 against them because of their apparent or perceived disabilities, with specific intent (*i.e.*, deliberate
12 indifference or reckless disregard) to deprive rights protected by the Rehabilitation Act, 29 U.S.C. § 794,
13 *et seq.* and Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*

14 272. Class Claims: Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE
15 DEPARTMENT, DANIEL HAHN, and DOE 201 to 225, acting or purporting to act under color of state
16 law and as policymaking authorities, maintained policies or customs of action and inaction resulting in
17 harm to Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
18 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
19 MOLA, and the class of similarly situated persons they seek to represent, with specific intent (*i.e.*,
20 deliberate indifference or reckless disregard) to deprive rights protected by the Rehabilitation Act, 29
21 U.S.C. § 794, *et seq.* and Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*

22 273. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT
23 are vicariously liable, through the principles of *respondeat superior* and pursuant to Cal. Gov. Code §§
24 815.2(a) and 820(a), for injuries proximately caused by the acts and omissions of their employees acting
25 within the scope of their employment, including Defendants DANIEL HAHN and DOE 1 to 225.

26 274. Defendants DANIEL HAHN and DOE 1 to 225's actions and inactions constituted
27 oppression, fraud, and/or malice resulting in great harm.

28 275. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN

1 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
2 MOLA, and the class of similarly situated persons they seek to represent, were injured as a direct and
3 proximate result of Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
4 DANIEL HAHN, and DOE 1 to 225's actions and inactions, entitling them to receive compensatory and
5 treble damages, civil penalties, and equitable (declaratory and injunctive) relief against Defendants CITY
6 OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 225;
7 and punitive damages against Defendants DANIEL HAHN and DOE 1 to 225.

8 WHEREFORE, Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY,
9 STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER
10 LORET DE MOLA, on behalf of themselves and a class of similarly situated persons, pray for relief as
11 hereunder appears.

12 **TWELFTH CLAIM**

13 **Assault / Battery**

14 276. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
15 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
16 MOLA, on behalf of themselves and a class of similarly situated persons, assert this Claim against
17 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,
18 and DOE 1 to 225.

19 277. The allegations of the preceding paragraphs 1 to 193 are realleged and incorporated, to the
20 extent relevant, as if fully set forth in this Claim.

21 278. Individual Claims: Defendants DOE 1 to 200, acting or purporting to act in the
22 performance of their official duties as law enforcement officers, intentionally touched, caused to be
23 touched, or threatened to touch, without consent, Plaintiffs DANIEL GARZA, JOSHUA RUIZ,
24 ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN
25 RUFFNER, and JENNIFER LORET DE MOLA, and the class of similarly situated persons they seek to
26 represent, and that touching or threatened touching constituted unreasonable and excessive force.

27 279. Class Claims: Defendants DANIEL HAHN and DOE 201 to 225, acting or purporting to
28 act under color of state law and as policymaking authorities, maintained policies or customs of action and

1 inaction resulting in Defendants DOE 1 to 200's use of unreasonable and excessive force against
2 Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL,
3 RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA,
4 and the class of similarly situated persons they seek to represent.

5 280. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT
6 are vicariously liable, through the principles of *respondeat superior* and pursuant to Cal. Gov. Code §§
7 815.2(a) and 820(a), for injuries proximately caused by the acts and omissions of their employees acting
8 within the scope of their employment, including Defendants DANIEL HAHN and DOE 1 to 225.

9 281. Defendants DANIEL HAHN and DOE 1 to 225's actions and inactions constituted
10 oppression, fraud, and/or malice resulting in great harm.

11 282. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
12 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
13 MOLA, and the class of similarly situated persons they seek to represent, were injured as a direct and
14 proximate result of Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
15 DANIEL HAHN, and DOE 1 to 225's actions and inactions, entitling them to receive compensatory
16 damages against Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
17 DANIEL HAHN, and DOE 1 to 225; and punitive damages against Defendants DANIEL HAHN and
18 DOE 1 to 225.

19 WHEREFORE, Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY,
20 STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER
21 LORET DE MOLA, on behalf of themselves and a class of similarly situated persons, pray for relief as
22 hereunder appears.

23 **THIRTEENTH CLAIM**

24 **Intentional Infliction of Emotional Distress**

25 283. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
26 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
27 MOLA, on behalf of themselves and a class of similarly situated persons, assert this Claim against
28 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,

1 and DOE 1 to 225.

2 284. The allegations of the preceding paragraphs 1 to 193 are realleged and incorporated, to the
3 extent relevant, as if fully set forth in this Claim.

4 285. Individual Claims: Defendants DOE 1 to 200, acting or purporting to act in the
5 performance of his official duties as a law enforcement officer, engaged in outrageous conduct,
6 including: (i) use of unreasonable and excessive force; (ii) conscience-shocking employment of
7 dangerous force; (iii) retaliation; and (iv) discrimination against Plaintiffs DANIEL GARZA, JOSHUA
8 RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES,
9 JOHN RUFFNER, and JENNIFER LORET DE MOLA, and the class of similarly situated persons they
10 seek to represent, and, as a result of that outrageous conduct, they suffered severe emotional distress.

11 286. Class Claims: Defendants DANIEL HAHN and DOE 201 to 225, acting or purporting to
12 act under color of state law and as policymaking authorities, maintained policies or customs of action and
13 inaction resulting in Defendants DOE 1 to 200's outrageous conduct against Plaintiffs DANIEL
14 GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND,
15 ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA, and the class of similarly
16 situated persons they seek to represent.

17 287. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT
18 are vicariously liable, through the principles of *respondeat superior* and pursuant to Cal. Gov. Code §§
19 815.2(a) and 820(a), for injuries proximately caused by the acts and omissions of their employees acting
20 within the scope of their employment, including Defendants DANIEL HAHN and DOE 1 to 225.

21 288. Defendants DANIEL HAHN and DOE 1 to 225's actions and inactions constituted
22 oppression, fraud, and/or malice resulting in great harm.

23 289. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
24 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
25 MOLA, and the class of similarly situated persons they seek to represent, were injured as a direct and
26 proximate result of Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
27 DANIEL HAHN, and DOE 1 to 225's actions and inactions, entitling them to receive compensatory
28 damages against Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,

1 DANIEL HAHN, and DOE 1 to 225; and punitive damages against Defendants DANIEL HAHN and
2 DOE 1 to 225.

3 WHEREFORE, Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY,
4 STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER
5 LORET DE MOLA, on behalf of themselves and a class of similarly situated persons, pray for relief as
6 hereunder appears.

7 **FOURTEENTH CLAIM**

8 **Negligence**

9 290. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
10 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
11 MOLA, on behalf of themselves and a class of similarly situated persons, assert this Claim against
12 Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN,
13 and DOE 1 to 225.

14 291. The allegations of the preceding paragraphs 1 to 193 are realleged and incorporated, to the
15 extent relevant, as if fully set forth in this Claim.

16 292. Individual Claims: Defendants DOE 1 to 200, acting or purporting to act in the
17 performance of his official duties as a law enforcement officer, owed Plaintiffs DANIEL GARZA,
18 JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND,
19 ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA, and the class of similarly
20 situated persons they seek to represent, a duty of care and breached that duty, including by: (i) employing
21 inappropriate tactical conduct and decisions preceding the use of dangerous force; (ii) using of
22 unreasonable and excessive force; (iii) conscience-shocking employment of dangerous force; (iv)
23 retaliating against demonstration attendees; and (iv) discriminating against demonstration attendees.

24 293. Class Claims: Defendants DANIEL HAHN and DOE 201 to 225, acting or purporting to
25 act under color of state law and as policymaking authorities, maintained policies or customs of action and
26 inaction resulting in Defendants DOE 1 to 200's breach of duties owed to Plaintiffs DANIEL GARZA,
27 JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND,
28 ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA, and the class of similarly

1 situated persons they seek to represent.

2 294. Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT
3 are vicariously liable, through the principles of *respondeat superior* and pursuant to Cal. Gov. Code §§
4 815.2(a) and 820(a), for injuries proximately caused by the acts and omissions of their employees acting
5 within the scope of their employment, including Defendants DANIEL HAHN and DOE 1 to 225.

6 295. Defendants DANIEL HAHN and DOE 1 to 225's actions and inactions constituted
7 oppression, fraud, and/or malice resulting in great harm.

8 296. Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN
9 PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE
10 MOLA, and the class of similarly situated persons they seek to represent, were injured as a direct and
11 proximate result of Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
12 DANIEL HAHN, and DOE 1 to 225's actions and inactions, entitling them to receive compensatory
13 damages against Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT,
14 DANIEL HAHN, and DOE 1 to 225; and punitive damages against Defendants DANIEL HAHN and
15 DOE 1 to 225.

16 WHEREFORE, Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY,
17 STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER
18 LORET DE MOLA, on behalf of themselves and a class of similarly situated persons, pray for relief as
19 hereunder appears.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA, on behalf of themselves and a class of similarly situated persons, seek Judgment as follows:

1. For issuance of a judgment declaring that Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 225's actions, inactions, and/or policies or customs complained of herein unconstitutional under the U.S. Constitution and the California Constitution;

2. For entry of a preliminary and permanent injunction enjoining Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 225's prospective actions, inactions, and/or policies or customs complained of herein in violation of the U.S. Constitution, the California Constitution, and Cal. Civ. Code § 52.1;

3. For an award of compensatory, general, and special damages against Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 225, according to proof at trial;

4. For an award of exemplary or punitive damages against Defendants DANIEL HAHN and DOE 1 to 225, in an amount sufficient to deter and to make an example of them, because their actions and/or inactions were motivated by evil motive or intent, involved reckless or callous indifference to protected rights, or were wantonly or oppressively done; and/or constituted oppression, fraud, and/or malice resulting in great harm;

5. For an award of actual damages, treble damages, punitive damages, civil penalties, and any other available relief against Defendants CITY OF SACRAMENTO, SACRAMENTO POLICE DEPARTMENT, DANIEL HAHN, and DOE 1 to 225, pursuant to Cal. Civ. Code §§ 52, 52.1, and any other statute as may be applicable (except that no punitive damages are sought against Defendants CITY OF SACRAMENTO and SACRAMENTO POLICE DEPARTMENT pursuant to Cal. Civ. Code § 818);

6. For an award of reasonable attorneys' fees and costs, pursuant to 42 U.S.C. § 1988, 29 U.S.C. § 794, 42 U.S.C. § 12205, Cal. Civ. Code § 52.1, Cal. Code Civ. Proc. § 1021.5, and any other

1 statute as may be applicable; and

2 7. For an award of any other further relief, as the Court deems fair, just, and equitable.

3 Dated: August 14, 2020

4 Respectfully Submitted,

5 

6 By: _____

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14 Attorneys for Plaintiffs

15 DANIEL GARZA, JOSHUA RUIZ,
16 ELISABETH CROUCHLEY, STEVEN PASSAL,
17 RUSSELL VREELAND, ANTHONY PIRES,
18 JOHN RUFFNER, and JENNIFER LORET DE MOLA

JURY TRIAL DEMAND

A JURY TRIAL IS DEMANDED by Plaintiffs DANIEL GARZA, JOSHUA RUIZ, ELISABETH CROUCHLEY, STEVEN PASSAL, RUSSELL VREELAND, ANTHONY PIRES, JOHN RUFFNER, and JENNIFER LORET DE MOLA, on behalf of themselves and a class of similarly situated persons.

Dated: August 14, 2020

Respectfully Submitted,

Mark S. Hays

By: _____

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